

# COHEN & GREEN

December 13, 2023

Hon. Eric R. Komitee  
Eastern District of New York  
United States Courthouse  
Room 6G North  
225 Cadman Plaza East  
Brooklyn, New York 11201

By Electronic Filing

**Re:** Rayne Valentine v. City of New York, 21-cv-4867 (EK) (VMS)

Your Honor:

I am co-counsel for Plaintiff. I write to ask that the Court allow Plaintiff to submit his fee application on Monday, December 18, 2023, rather than December 16, 2023, which is a Saturday. Defendants consent to this application. The parties have previously asked the Court to extend the briefing schedule related to any fees application three times. The Court granted the first application, granted in part and denied in part the second, and denied the most recent yesterday.

In granting in part and denying in part the second, on November 15, 2023, the Court extended the time until December 16, 2023, which is a Saturday. It is not clear to Plaintiff's counsel whether the Court intended to set that deadline for a Saturday. Had the Court set the deadline in a period of days (instead of on a specific date), Fed.R.Civ.P. 6(a)(1)(C) would have applied, making the deadline fall on Monday, December 18, 2023, rather than this Saturday. And, as it stands, Fed.R.Civ.P. 6(a)(1)(C) will push the response and reply deadlines to non-weekend dates – January 2, 2024 and January 9, 2024, respectively.

Can Plaintiff submit his fee application on Monday, December 18, 2023, rather than Saturday, December 16, 2023?

If the Court grants this application, Defendants' response would still be due on Tuesday, January 2, 2024, and Plaintiff's reply would still be due on January 9, 2024.

Thank you for your attention to this matter.

Respectfully submitted,

/s/

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